

**MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
THURSDAY, JANUARY 3, 2002, 7:30 P.M.
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

**Chairman Gordon Johnson, John Lonsbury, Ann Swenson, David Byron,
Helen McClelland, David Runyan, Steve Brown and Lorelei Bergman**

MEMBERS ABSENT:

Geof Workinger

STAFF PRESENT:

Craig Larsen and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the November 28, 2001, meeting was filed as submitted.

II. OLD BUSINESS:

S-01-7	T/C Builders, Inc. Preliminary Plat Approval for 5-lot subdivision Generally located north of Belmore Lane, west of Griffit Street and east of Arthur Street extended
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Mr. Larsen reminded the Commission at their last meeting they tabled S-01-7 to allow the proponent the opportunity to speak with an adjacent property owner about the possibility of purchasing the subject site.

Mr. Larsen said to the best of his knowledge the plan presented at the past Commission meeting has not changed and staff continues to recommend approval of the proposed replat subject to:

- Final Plat Approval
- Subdivision dedication for one lot
- Developers Agreement
- Watershed District Permits

The proponent, Mr. Eric Lind was present to respond to questions. Interested neighbors were also present.

Commissioner McClelland said in reviewing the plans presented she observed a shed along Arthur Street and asked the status of that shed. Mr. Larsen responded the shed belongs to the property owners of 309 Arthur Street and is not part of this plat.

Commissioner Swenson asked for clarification on the Spruce Road right-of-way. Mr. Larsen explained the adjoining property owners along Spruce Road are the underlying owners of that property, not the city. The city placed a right-of-way easement over that property at the time of the original plat to allow access if needed.

Mr. Eric Lind, proponent, addressed the Commission and explained to them at this time he is still in the discussion stages with the Lundholms (property owners of 309 Arthur Street and vacant Arthur Street lots) regarding the purchase of the subject site, but needs to proceed with the proposal due to financing requirements

Mr. Larsen interjected and explained the city also needs to “keep this moving” through the process to comply with public hearing requirements.

Ms. Lundholm, 309 Arthur Street addressed the Commission and informed them she and her brother are in the process of negotiating a sale price with Mr. Lind for the property in question. Ms. Lundholm said she understands Mr. Lind is operating on time restraints, but she has not had enough time to completely research all options available to her and her brother regarding a potential purchase. Continuing, Ms. Lundholm said if the Commission chooses to allow this development she would like to see the proposed Arthur Street cul-de-sac extended farther north right up to the Spruce Road right-of-way.

Chairman Johnson said he understands Ms. Lundholms request regarding Arthur Street extended but pointed out as he views it land will be lost wherever the cul-de-sac is constructed.

Mr. Bob Lundholm addressed the Commission and informed them he grew up on Arthur Street and now lives in Plymouth. He said his elderly mother and sister currently live in the Arthur Street house (309). Mr. Lundholm stated he is strongly opposed to the proposal as presented. He added he agrees with his sister's suggestion that if the replat is approved Arthur Street extended should be moved farther north from what is proposed. Mr. Lundholm said an alley maintained by the City presently serves residents and if developed as proposed how will snow removal be accommodated. Concluding Mr. Lundholm pointed out if Arthur Street is extended to Spruce Road only driveway cuts would be required for the new homes.

Mr. Larsen stated the reason a cul-de-sac is required is because a straight street dead-ending cannot accommodate emergency vehicles/maintenance vehicles.

Commissioner McClelland asked Mr. Larsen if a hammerhead at the end of Arthur Street would work. Mr. Larsen said it has been the experience of the city that hammerheads do not work well for the fire department.

Commissioner Bergman asked Mr. Lundholm the reason he objects to the placement of the Arthur Street cul-de-sac. Mr. Lundholm said in his opinion the placement is arbitrary.

Ms. Marlys Rechkemmer, 308 Arthur Street, stated she objects to the proposal as presented especially the placement of the Arthur Street cul-de-sac . It disturbs the green space. She said she presently views green space and if developed as proposed she will look at concrete.

Commissioner Byron questioned how the developer made his decision on the location of the Arthur Street cul-de-sac.

Mr. Larsen told the Commission the location of the cul-de-sac was reached with input from city staff. Mr. Larsen said the proposed cul-de-sac meets all city code requirements, in his opinion lessens impact on vegetation, reduces concrete, and the orientation of the proposed new homes is logical in relation to existing homes. Concluding. Mr. Larsen stated the proposed cul-de-sac also minimizes the cost for everyone involved.

Mr. Lind interjected and explained if the cul-de-sac is extended farther north more trees will be lost, and reiterating Mr. Larsen's observation that if extended there will be more concrete poured. Concluding, Mr. Lind told the Commission if the Commission prefers extending the cul-de-sac farther north it is not a problem for him.

Mr. Lundholm told the Commission as far as he is concerned he would like the cul-de-sac moved farther north. He said in his opinion his lots would be better served by a longer cul-de-sac.

Commissioner Lonsbury said he agrees with staff that if the cul-de-sac were extended farther north more vegetation would be lost and more concrete would be poured.

Ms. Naiditch, 6512 Belmore Lane told the Commission she opposes the proposal. She said she is worried about safety issues due to more traffic occurring on Arthur Street. Ms. Naiditch said she would rather see the land preserved in its natural state. No development.

Ms. Rechkemmer, 308 Arthur Street, said in her opinion there should only be 4 houses constructed, not 5. She said she would also like to have the Commission limit the size of the new houses, limit the cul-de-sac, and preserve as much natural vegetation as possible. Concluding, Ms. Rechkemmer said she also has a concern with regard to the 45' lot (Griffit Street) and that it will be overpowered by the new development. Ms. Rechkemmer suggested that some land be "given" to that lot somehow.

Chairman Johnson said at the last Commission hearing he listened to comments regarding the 45' lot on Griffit Street and noted to the best of his knowledge the Commission has not heard from that property owner, and in his opinion it is difficult to discuss "giving" land to that property. The owner may not want any involvement with this situation.

Commissioner Lonsbury told the Commission he has been studying the proposed plat and suggested instead of the proposed 98' lots on Griffit Street the lot configurations are changed to provide a buffer for the 45' lot. Commissioner Lonsbury suggested that Lots 1 and 2 be platted at 88' with the remainder going to Lot 3 (118'). This configuration would allow the creation of a 30' right-of-way buffer over Lot 3. This buffer could be platted as right-of-way to accommodate a though alley.

Mr. Lundholm addressed the Commission and told them he understands the 45' lot in the middle of the block is a tough issue to address. Continuing, Mr. Lundholm said the subject site was offered up for bids as a 4-½-lot plat. Sealed bids were submitted and Mr. Lind won the right to the property with a bid of 510 thousand dollars, and now is proposing a development of five homes with a price tag of over \$500,000 each. Mr. Lundholm said 57 notices were mailed to the 57 properties that fall within 500 feet of the subject site, and 5 of those property owners are present this evening. Continuing, Mr. Lundholm said he would have a difficult time finding homes within 500 feet of the subject site that exceed 500 thousand dollars. He acknowledged there are new homes on Tyler Court and a new home on Belmore Lane that may be in that range, but for the most part this is a modest neighborhood with modest homes. Concluding, Mr. Lundholm told the Commission this is an emotional issue for him, it is where he grew up, and he does not want to see the area redeveloped especially with homes out of character with the neighborhood. He pointed out there are so many issues to consider, the layout of the proposed new homes, what happens to the alley, snow removal etc. Mr. Lundholm said if they are allowed to purchase the property they will leave it undeveloped until the year 2020. Ms. Lundholm interjected and explained presently she is looking into the option of purchasing the property and putting it in a "land trust", but as she mentioned earlier they are still negotiating with Mr. Lind, the proponent.

Commissioner Brown asked for clarification on the present alley situation and how snow is presently removed and after development how it will be removed.

Mr. Larsen said presently the snow is probably plowed onto the vacant property presently owned by Mr. Lind. Mr. Larsen added if the City feels snow removal will be an issue with this development it will be addressed. Mr. Larsen pointed out there are many alleys in the city that dead-end. Snow is either stored on neighboring properties, or removed and a front-end loader is used.

Mr. Pogo, 6512 Belmore Lane, told the Commission in his opinion the integrity of the area and the character of the neighborhood should be maintained. He stressed this is a modest neighborhood with working class people and its history should be preserved. Mr. Pogo asked the Commission to keep the interests of the immediate neighbors first in their decision making process.

A discussion ensued with the Commission questioning the original plat and the 45' lot on Griffit Street.

Ms. Fortier, 310 Griffit Street, came forward and told the Commission she is the owner of the 45' lot on Griffit Street, adding that she is very happy with her property. She stated she would like to maintain adequate spacing between her house and the proposed new houses, and just wanted to introduce herself.

Chairman Johnson asked Ms. Fortier if she would be willing to purchase additional footage from the proponent, or if she even wants additional property. Ms. Fortier said she is unsure, and everything would depend on the price of any additional property, taxes, etc.

Commissioner McClelland asked Mr. Larsen if the 45' lot is a legal lot. Mr. Larsen said the 45' lot is a legal lot in the city and will continue to be a legal lot.

Mr. Lind told the Commission he is willing to work with Ms. Fortier on providing a buffer for her property and stressed he believes what he has proposed is not unreasonable. Mr. Lind said he is willing to address the question of the Arthur Street cul-de-sac, and Ms. Fortier's property. Mr. Lind pointed out the underlying plat indicates 3 lots, but because of one ownership the 55' lot next to Ms. Fortier's lot is included as two lots not three.

Commissioner McClelland moved to recommend preliminary plat approval subject to:

- Final Plat Approval
- Subdivision Dedication for one lot
- Developers Agreement
- Watershed District Permits
- 10' right-of-way path preserved as agreed by proponent north Arthur Street cul-de-sac.
- Vacation of Spruce Road
- Continuing the cul-de-sac as far north as feasible (this extension is to be "worked-out" between the Planning, Engineering Staff and Fire Department.

Commissioner Byron seconded the motion.

Commissioner Lonsbury offered an amendment to the motion with regard to the proposed lots on Griffit Street. Commissioner Lonsbury suggested that Lots 1 & 2 be platted at 88' with the balance platted as Lot 3. This would afford a 30' alley right-of-way over Lot 3. This 30' right-of-way would prevent the non-conforming 45' lot from being "crowded" by the new homes that will be constructed on the three new lots. Commissioner Lonsbury pointed out the 30' right-of-way could be a through alley that would allow regular snowplow removal, instead of the "dead end" situation that presently exists.

Commissioner McClelland said in her opinion she doesn't believe you can create a right-of-way for a public purpose without the intent of using it for a public purpose. She said there are probably many alley situations similar to the one serving Griffit Street.

Commissioner Bergman suggested that the Commission recommend a greater side yard setback for Lot 3 that would eliminate any legality, and create the desired "buffer" for the 45' lot.

Commissioner Byron stated in listening to the discussion thus far, adding if he understands the proponent correctly the proponent is asking us to either approve his 5-lot replat or deny it. He is not asking us to redesign his proposal. This is a preliminary plat, not final plat. Changes can be made between preliminary plat and final.

Commissioner McClelland reiterated in her opinion it isn't legal to create a "right-of-way" when it doesn't really serve a public purpose.

Commissioner Lonsbury, speaking for the amendment, suggested that the developer, by initiating a request for replatting the property and vacating the street right-of-way, presents the Commission with an opportunity that will be forever lost if the Commission does not act on it now.

The amendment for creating lots 1 & 2 at 88 feet and the balance in Lot 3, allows for a 30' alley right-of-way over Lot 3. This accomplishes 4 goals:

1. It allows the developer to build five new homes (albeit somewhat smaller footprints, which in my opinion would be more compatible with the existing neighborhood).

2. Somewhat minimizes the impact of the new development on the existing homes by putting a buffer between them.
3. May eliminate the potential problem of snow removal. Currently the snow is dumped onto vacant land, but the new homeowners may not want the city piling snow onto their backyards. A “through” alley should be designed to allow regular plow removal, without the need for a special trip by a front-end loader.
4. The Alley will immediately add visual width to the existing 45’ lot. Most importantly, it will provide a future opportunity for the owners of Lot 3 and the 45’ lot to negotiate a land purchase of the 30’ right-of-way.

As for Commissioner McClelland’s opinion as to whether the city can leverage its position to get this done, Mr. Lonsbury said he would encourage the Commission to allow the City Council and the City Attorney the opportunity to make that determination.

Commissioner McClelland said she couldn’t accept the proposed amendment to her motion.

Chairman Johnson asked for a roll call vote on accepting the amendment. Ayes; Lonsbury and Brown. Nays; Swenson (Swenson recommends a 4-lot plat), Byron, McClelland, Runyan, Bergman, Johnson. Motion failed 6-2.

Chairman Johnson called for a roll call vote on Commissioner McClelland’s motion of approval with stated conditions. Ayes; Byron, McClelland, Runyan, Bergman, Johnson. Nays; Lonsbury, Swenson, Brown. Motion carried 5-3.

II. ADJOURNMENT:

The meeting adjourned at 9:30 p.m.

Jackie Hoogenakker

